

EXHIBIT 5

FILED

JAN 29 2016

SUSAN Y. SOONG
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIABRIAN J. STRETCH (CABN 163973)
Acting United States AttorneyDAVID R. CALLAWAY (CABN 121782)
Chief, Criminal DivisionROBERT S. LEACH (CABN 196191)
ADAM A. REEVES (NYBN 2363877)
Assistant United States Attorneys450 Golden Gate Avenue, Box 36055
San Francisco, California 94102-3495
Telephone: (415) 436-7534
Fax: (415) 436-7234
Robert.Leach@usdoj.gov
Adam.Reeves@usdoj.gov

Attorneys for United States of America

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISIONIN RE GRAND JURY INVESTIGATION
NO. 2012R02242,

Case No. CR 14-90491 MISC EMC

[PROPOSED] ORDER SUSPENDING
THE RUNNING OF THE STATUTE OF
LIMITATIONS UNDER 18 U.S.C.
§ 3292UNDER SEAL

Upon application of the United States, indicating that evidence of offenses, namely 15 U.S.C. §§ 78j(b) & 78ff (securities fraud), 18 U.S.C. § 371 (conspiracy), 18 U.S.C. § 1341 (mail fraud), 18 U.S.C. § 1343 (wire fraud), 18 U.S.C. § 1348 (securities fraud), and 18 U.S.C. § 1349 (attempt and conspiracy), is in the Vatican City State and in Italy, the Court finds, by a preponderance of the evidence, that an official request has been made to the Vatican City State for evidence of the foregoing offenses and it reasonably appears that such evidence is in the Vatican City State. The Court further finds, by a preponderance of the evidence, that an official request has been made to Italy for evidence of the foregoing offenses and it reasonably appears that such evidence is in Italy.

[PROPOSED] ORDER SUSPENDING STATUTE OF LIMITATIONS
CASE NO. CR-14-90491 MISC EMC

1 WHEREFORE, it is ordered that the United States' *Ex Parte* Application for an Order
 2 Suspending the Statute of Limitations Pursuant to 18 U.S.C. § 3292 is GRANTED.

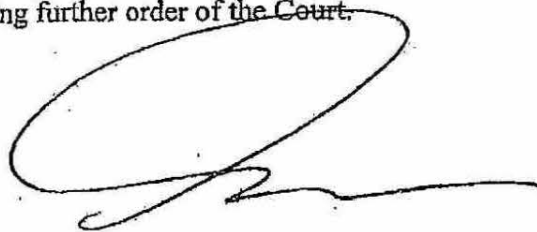
3 It is further ordered that the running of the statute of limitations for the foregoing offenses is
 4 SUSPENDED beginning on August 10, 2015, the date on which the official request to the Vatican City
 5 State was made, and ending on the date on which the Vatican City State takes final action on the request.

6 It is further ordered that the running of the statute of limitations for the foregoing offenses is
 7 SUSPENDED beginning on December 23, 2015, the date on which the official request to Italy was
 8 made, and ending on the date on which Italy takes final action on the request.

9 It is further ordered that the Clerk of the Court shall seal this Order, as well as the United States'
 10 *Ex Parte* Application, for an Order Suspending the Statute of Limitations and the Declaration of AUSA
 11 Robert S. Leach in support thereof, pending further order of the Court.

12 IT IS SO ORDERED.

13 Dated: 1/29, 2016



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 15 THE HONORABLE JAMES DONATO
 16 United States District Judge *EDW MPD CNDW*

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 18 cc: Robert S. Leach